

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF ANTIGUA COLLEGE
OF MEDICINE, a foreign corporation,

Plaintiff,

United States District Court Judge
Patrick J. Duggan, presiding
Michael Hluchaniuk, referral
Case No.: 2:10-cv-10978

V

STEVEN L. WOODWARD,

Defendant.

Eric A. Buikema (P58379) CARDELLI, LANFEAR & BUIKEMA, P.C. Attorneys for Plaintiff 322 W. Lincoln Royal Oak, MI 48067 (248) 544-1100 ebuikema@cardellilaw.com	STEVEN L. WOODWARD In Pro Per c/o 7211 Brittwood Lane Flint, MI 48507 Steve_L_woodward@yahoo.com
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SUPPLEMENT TO MOTION TO QUASH SUBPOENAS (Docket No. 104)

Plaintiff American University of Antigua College of Medicine (“AUA”), through counsel
Supplements its Motion to Quash (Docket No. 104) as follows:

1. Since the filing of Plaintiff’s Motion to Quash (Docket No. 104), Plaintiff acquired a copy of Defendant’s Subpoena to Sallie Mae¹. Exhibit A.
2. Sallie Mae objected to this subpoena on jurisdictional grounds and on the grounds that the information sought was overly broad and implicated the private financial records of over 150 students. Exhibit B.

¹ This subpoena was never served on Plaintiff by Defendant, in violation of Fed. R. Civ. P. 5.

3. It is evident that Defendant failed to follow the appropriate procedures to obtain jurisdiction over Sallie Mae (a Pennsylvania or Virginia entity). As such, for the reasons stated in Section I of Plaintiff's motion (Docket No. 104), this subpoena is void and should be quashed.

4. Similarly, the information sought, private student loan information, is irrelevant to the instant claims and defenses. Defendant cannot establish that the loan documentation requested has any tendency to make any fact of consequence more or less likely. As such, for the reasons stated in Section II of Plaintiff's motion (Docket No. 104), this subpoena seeks irrelevant information and must be quashed.

5. Further, the information sought is overly broad and unduly burdensome. Defendant seeks seven years of loan documentation which implicates the private financial student data of over 150 individuals. This request poses an undue burden on the deponent and should be quashed. As such, for the reasons stated in Section III of Plaintiff's motion (Docket No. 104), this subpoena seeks irrelevant information and must be quashed.

6. Finally, this subpoena was never served on Plaintiff, in violation of Fed. R. Civ. P. 5. As such, the Court should, as a discovery sanction, quash this subpoena.

7. Should the Court allow Defendant's subpoenas, a protective order should first be in place requiring releases from all students whose data is to be released (or redactions of personally identifying information) and Defendant should be ordered to pay all of the deponents' costs incurred associated with the production of this voluminous data including reasonable attorney fees. Fed. R. Civ. P. 45(c)(1). Similarly, the Court should order Defendant to post a bond for any liabilities sustained by the deponents arising out of the production of these documents.

Wherefore, for the reasons stated in Plaintiff's Motion to Quash (Docket No. 104), Plaintiff moves for an order quashing Defendant's subpoenas to the NBME, ECFMG, Sallie Mae, and any other subpoena issued without service on Plaintiff.

Respectfully Submitted,

/s/ Eric A. Buikema (P58379)
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Supplement to Motion to Quash Subpoenas (Docket No. 104) and this Certificate of Service were served upon Steven L. Woodward, Defendant, via his email address Steve_L_woodward@yahoo.com and First Class U.S. mail to Steven Woodward, c/o 7211 Brittwood Lane, Flint, MI 48507 on February 16, 2011.

/s/ Eric A. Buikema
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